



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

November 6, 2014

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 6567

Mr. Ryan Weller
Concrete Collaborative
350 Via Del Monte
Oceanside, CA 92058

In reply refer to:
PIN: SM-823727:WGhoram

Subject: Notice of Violation No. R9-2014-0123, Concrete Collaborative, General NPDES Permit No. CAS000001, Order No. 97-03-DWQ, for Discharges of Storm Water Associated With Industrial Activities

Mr. Weller:

Enclosed is Notice of Violation (NOV) No. R9-2014-0123 issued to Concrete Collaborative for violations of Order No. 97-03-DWQ, a General NPDES Permit for discharges of storm water associated with industrial activities adopted by the State Water Resources Control Board, and enforced by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response by November 28, 2014 to confirm the violations have been corrected and identify a date by which the violations were corrected.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: SM-823727:WGhoram**.



For questions pertaining to the subject matter, please contact Ms. Whitney Ghoram at (619) 521-8040.

Respectfully,



DAVID T. BARKER, P.E.
Supervising Water Resource Control Engineer
Surface Water Basins Branch

DTB:esb:wjg

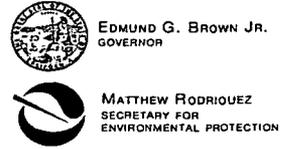
Enclosures (2): NOV Order No. R9-2014-0123
Inspection Report w/ photos

cc: Ms. Katie Greenwood, Environmental Specialist, Clean Water Program, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054

Mr. Glenn Ericson, Code Enforcement Officer II, Neighborhood Services Department, City of Oceanside, 602 Civic Center Drive, Oceanside, CA 92054

Ms. Barbara Ann Fischer, Senior Vice President, Trilar Management Company, 3118 San Luis Rey Road, Oceanside, CA 92058

Tech Staff Info & Use	
WDID	9371024292
PIN	SM-823727
NPDES No.	CAS000001
Inspection ID	2022988
Inspection ID	2023428
Violation ID	854446
Violation ID	854884
Enforcement ID	415971
Enforcement ID	416534



California Regional Water Quality Control Board, San Diego Region

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November 6, 2014

NOTICE OF VIOLATION
No. R9-2014-0123

Mr. Ryan Weller, Owner
350 Via Del Monte
Oceanside, CA 92058

Concrete Collaborative
WDID: 9371024292

Violations of Order No. 97-03-DWQ
Industrial General Permit

Concrete Collaborative is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

Concrete Collaborative is in violation of State Water Resources Control Board (State Water Board) Order No. 97-03-DWQ, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.

A. Summary of Violations

1. Illegal Discharges of Wastes to Waters of the United States

- a. Violation of Order No. 97-03-DWQ, A. Discharge Prohibitions, 1. Except as allowed in Special Conditions (D.1) of this General Permit, materials other than storm water (non-storm water discharges) that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.
b. Violation of Order No. 97-03-DWQ, A. Discharge Prohibitions, 2. Storm Water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.



- c. **Observation:** On July 29, 2014, the San Diego Water Board conducted a joint site inspection with the City of Oceanside of Concrete Collaborative, Oceanside CA. During the July 29, 2014 inspection, the site lacked adequate Structural BMP's and Non Structural BMP's, including housekeeping. There is evidence of illegal discharges of process material running offsite from Concrete Collaborative and to the storm water collection system in the street on Via Del Monte. The inspectors observed tracking of process dust onto the asphalt parking lot and driveways that slope toward the street. The inspectors also observed process fines, dust and sand along the perimeter of the site outside of the fence. The inspectors requested that the process dust, fines and sand be cleaned up and properly disposed and that Concrete Collaborative implement structural and non-structural BMP's, housekeeping, and employee training in order to prevent discharges of wastes offsite, and/or to surface waters. All corrective actions were to be completed by September 30, 2014. Discharges of process waste and pollutants from Concrete Collaborative are prohibited.

2. Failure to Implement Structural and Non Structural Best Management Practices (BMPs)

- a. **Violation of Order No. 97-03-DWQ, B. Effluent Limitations, 3. Facility operators covered by this General Permit must reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of BAT for toxic and non-conventional pollutants and BCT for conventional pollutants. Development and implementation of an SWPPP that complies with the requirements in Section A of the General Permit and that includes BMPs that achieve BAT/BCT constitutes compliance with this requirement.**
- b. **Observation:** On October 7, 2014, the San Diego Water Board conducted a follow up joint site inspection with the City of Oceanside of Concrete Collaborative, Oceanside, CA. During the inspection, it was determined that the site still lacked adequate Structural BMPs and Non Structural BMPs including housekeeping, and that Concrete Collaborative had not implemented structural and non-structural BMP's, housekeeping, and employee training to prevent discharges of wastes offsite, and/or to surface waters, as requested by the inspectors on July 29, 2014. The inspectors advised Sally Smithwick of Concrete Collaborative that tarps are not adequate overhead cover, and pointed out gaps in the block and mortar curb that was installed along the site perimeter.

3. Failure to maintain a copy of SWPPP onsite

- a. **Violation of Order No. 97-03-DWQ, Section A. Storm Water Pollution Prevention Plan Requirements, 10. SWPPP General Requirements, a.** The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.
- b. **Observation:** A copy of the site SWPPP was not available at the time of the July 29, 2014 inspection. A copy of the SWPPP was submitted to the San Diego Water Board via Email prior to the October 7, 2014 inspection. The SWPPP was reviewed and found to be incomplete.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

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For questions pertaining to the subject matter, please contact Ms. Whitney Ghoram at (619) 521-8040.

Respectfully,



DAVID T. BARKER, P.E.
Supervising Water Resource Control Engineer
Surface Water Basins Branch

DTB:esb:wjg

Enclosures (1): Inspection Report w/photos

cc: Ms. Katie Greenwood, Environmental Specialist, Clean Water Program, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054

Mr. Glenn Ericson, Code Enforcement Officer II, Neighborhood Services Department, City of Oceanside, 602 Civic Center Drive, Oceanside, CA 92054

Ms. Barbara Ann Fischer, Senior Vice President, Trilar Management Company, 3118 San Luis Rey Road, Oceanside, CA 92058

Tech Staff Info & Use	
WDID	9371024292
PIN	SM-823727
NPDES No.	CAS000001
Inspection ID	2022988
Inspection ID	2023428
Violation ID	854446
Violation ID	854884
Enforcement ID	415971
Enforcement ID	416534

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED PROTECTION PROGRAM**

FACILITY INSPECTION REPORT

FACILITY: Concrete Collaborative **INSPECTION DATE/TIME:** 10/07/2014, 10:30 hrs

WDID/ECM PIN: 9 371024292, SM-823727

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: <u>Whitney Ghoram</u>	AFFILIATION: <u>San Diego Water Board Inspector</u>
NAME: <u>Katie Greenwood</u>	AFFILIATION: <u>City of Oceanside Inspector</u>
NAME: <u>Glenn Ericson</u>	AFFILIATION: <u>City of Oceanside Inspector</u>
NAME: <u>Sally Smithwick</u>	AFFILIATION: <u>Concrete Collaborative</u>
NAME: _____	AFFILIATION: _____

Ryan Weller, Owner, Concrete Collaborative
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Concrete Collaborative
FACILITY OR DEVELOPER NAME (if different from owner)

350 Via Del Monte, Oceanside CA 92058
OWNER MAILING ADDRESS

350 Via Del Monte, Oceanside, CA 92058
FACILITY ADDRESS

Ryan Weller (949-870-7388)
OWNER CONTACT NAME AND PHONE #

Ryan Weller
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- | | |
|---|---|
| <input type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS | <input type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES |
| <input type="checkbox"/> CONSTRUCTION GENERAL PERMIT | <input type="checkbox"/> GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS |
| <input type="checkbox"/> CALTRANS GENERAL PERMIT | <input type="checkbox"/> SECTION 401 WATER QUALITY CERTIFICATION |
| <input checked="" type="checkbox"/> INDUSTRIAL GENERAL PERMIT | <input type="checkbox"/> CWC SECTION 13264 |

INSPECTION TYPE (Check One):

- "A" TYPE COMPLIANCE--COMPREHENSIVE INSPECTION IN WHICH SAMPLES ARE TAKEN. (EPA TYPE S)
- "B" TYPE COMPLIANCE--A ROUTINE NONSAMPLING INSPECTION. (EPA TYPE C)
- NONCOMPLIANCE FOLLOW-UP--INSPECTION MADE TO VERIFY CORRECTION OF A PREVIOUSLY IDENTIFIED VIOLATION
- ENFORCEMENT FOLLOW-UP--INSPECTION MADE TO VERIFY THAT CONDITIONS OF AN ENFORCEMENT ACTION ARE BEING MET.
- COMPLAINT--INSPECTION MADE IN RESPONSE TO A COMPLAINT.
- PRE-REQUIREMENT--INSPECTION MADE TO GATHER INFO. RELATIVE TO PREPARING, MODIFYING, OR RESCINDING REQUIREMENTS.
- NO EXPOSURE CERTIFICATION (NEC) - VERIFICATION THAT THERE IS NO EXPOSURE OF INDUSTRIAL ACTIVITIES TO STORM WATER.
- NOTICE OF TERMINATION REQUEST FOR INDUSTRIAL FACILITIES OR CONSTRUCTION SITES - VERIFICATION THAT THE FACILITY OR CONSTRUCTION SITE IS NOT SUBJECT TO PERMIT REQUIREMENTS.
- COMPLIANCE ASSISTANCE INSPECTION - OUTREACH INSPECTION DUE TO DISCHARGER'S REQUEST FOR COMPLIANCE ASSISTANCE.

INSPECTION FINDINGS:

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

Facility: Concrete Collaborative
Inspection Date: 10/07/2014

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On October 7, 2014, Whitney Ghoram of the San Diego Water Board performed an enforcement follow up inspection of Concrete Collaborative with City of Oceanside inspectors. The inspection confirmed that the corrective actions required after a joint inspection on July 29, 2014 have not been completed. The facility still lacks adequate structural overhead cover of processes and process materials. The facility also lacks adequate structural perimeter controls and housekeeping BMPs. The facility is located in the City of Oceanside at 350 Via Del Monte, in the County of San Diego. Further, the site is located in the San Luis Rey River Watershed, in the Mission HSA (903.11). The weather on the day of the inspection was partly cloudy with intermittent light rain and 80 degrees.

II. FINDINGS

1. Housekeeping BMPs remain inadequate. Tracking of process materials off site in the yard area persists. There are torn open bags of Portland cement exposed outside in the yard. Sand, gravel and other process materials are also exposed on the ground at the site (See attached photos 1 – 8).
2. Structural overhead cover remains inadequate. Tarps that were installed are not adequate corrective actions (inadequate perimeter controls and overhead cover). Tarps are not structural overhead cover, and are not effective in preventing storm water from coming into contact with processes and materials (See attached photos 9 – 11).
3. Structural perimeter controls remain inadequate. The concrete block and mortar curb installed along the perimeter at the fence line has small gaps in some locations where storm water and process waste can flow through and off site (See attached photos 12 – 16).
4. The facility SWPPP is incomplete and is not being fully implemented.

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

1. Require the discharger to eliminate exposure of the torn bags of Portland cement and completely cover stockpiles of other process materials. Require the discharger to fully implement housekeeping BMPs.
2. Require the discharger to install adequate structural overhead cover.
3. Require the discharger to close gaps in the concrete block & mortar curb prior to a rain event.
4. Require the discharger to update the SWPPP to reflect all required content and information, as well as fully implement the SWPPP.

Facility: Concrete Collaborative
 Inspection Date: 10/07/2014

- The site remains in noncompliance with Order Number 97-03-DWQ. If all corrective actions are not completed immediately, staff recommends referral to the Compliance Oversight Group (COG) for formal enforcement action and penalties.

IV. SIGNATURE SECTION

Whitney Ghoram
 STAFF INSPECTOR



SIGNATURE

10-7-2014

INSPECTION DATE

Eric Becker
 REVIEWED BY SUPERVISOR



SIGNATURE

10/31/14

DATE

SMARTS:

Tech Staff Info & Use	
WDID	9 371024292
Inspection ID	2023428
Violation ID (Inadequate BMPs)	854884
Enforcement ID	416534
ECM Pin	SM-823727

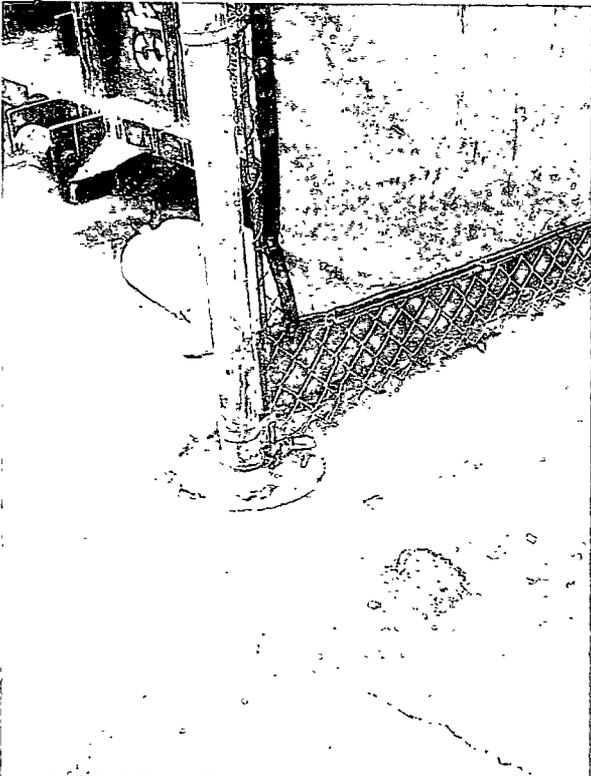
Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Concrete Collaborative. Photos taken by Whitney Ghoram, 10/07/2014

Figure 1.



Figure 2.



Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Figure 3.

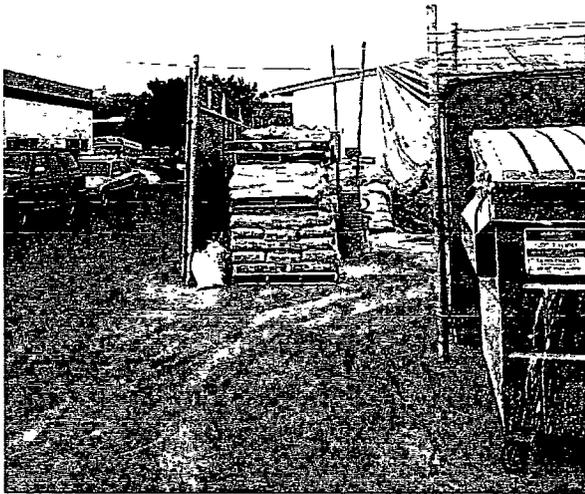
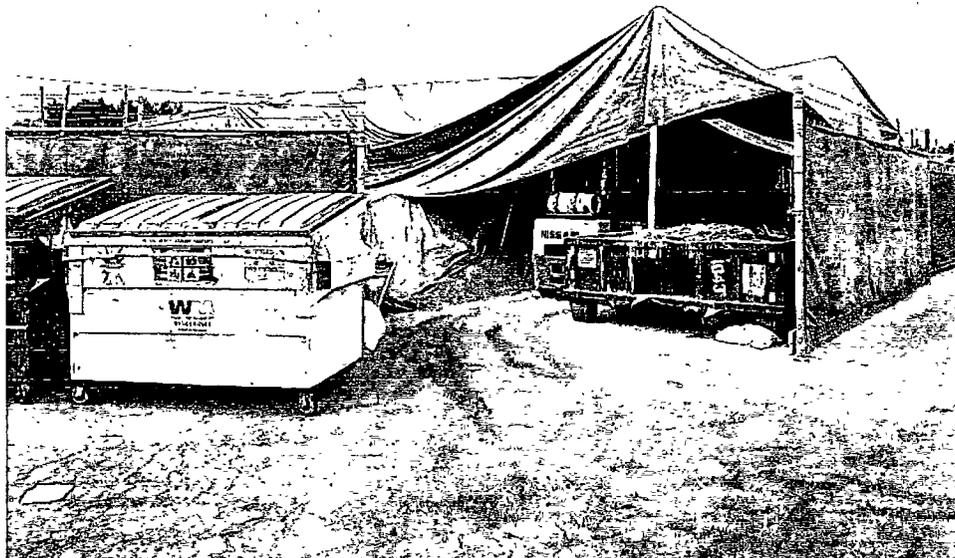


Figure 4.



Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Figure 5.



Figure 6.



Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Figure 7.

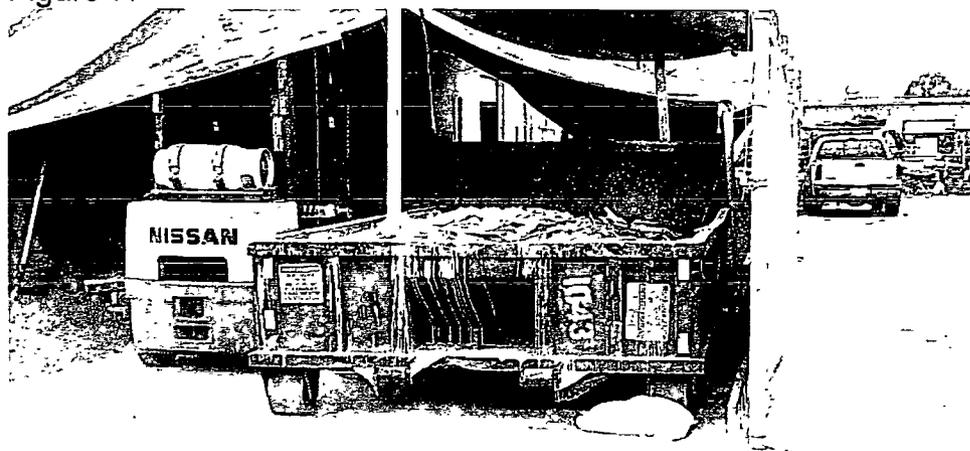
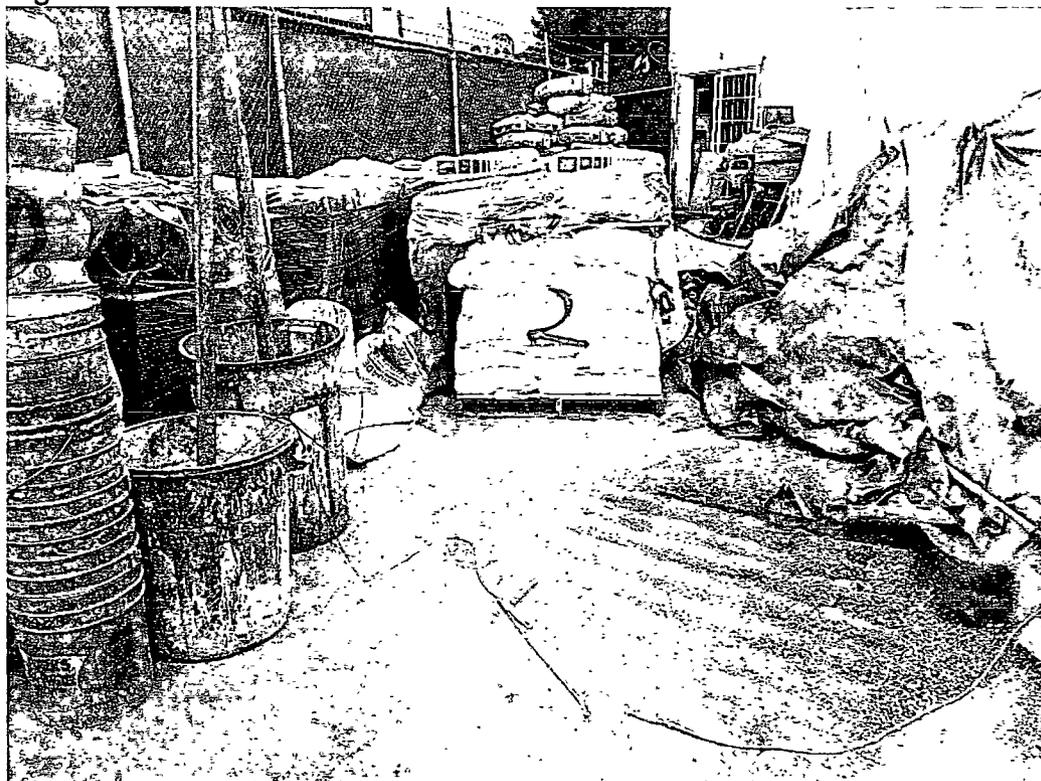


Figure 8.



Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Figure 9.



Figure 10.



Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Figure 11.

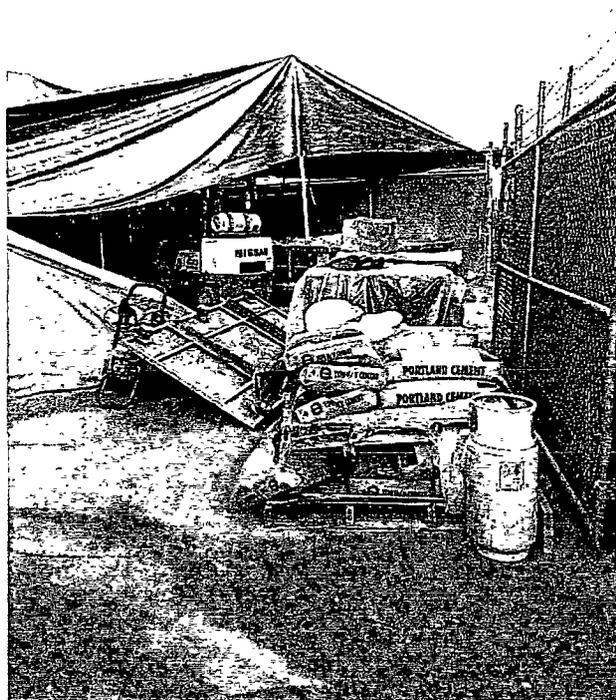


Figure 12.



Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Figure 13.

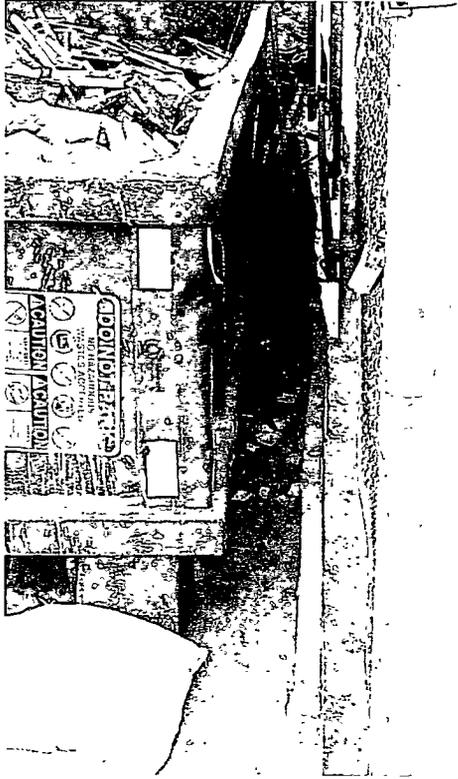
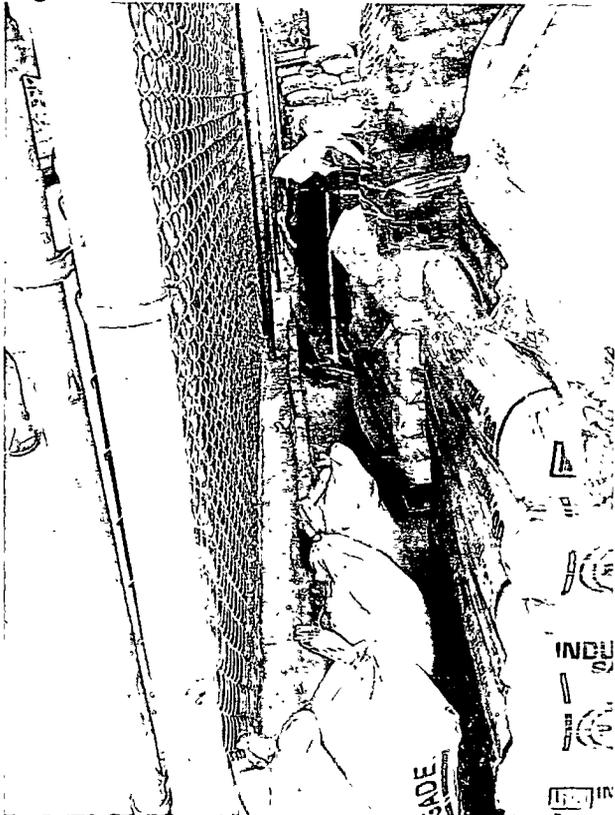


Figure 14.



Facility: Concrete Collaborative
Inspection Date: 10/07/2014

Figure 15.



Figure 16.



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. RYAN WELLET
Concrete Collaborative
350 Via Del Monte
Oceanside, CA 92058

2. Article Number

(Transfer from service label)

7011 0470 0002 8952 6567

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

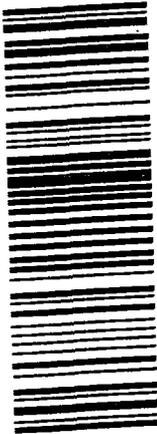
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL™



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Total Postage & Fees	\$

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Sent To

RYAN WELLET, Concrete Collaborative

Street, Apt. No.

or PO Box No. 350 Via Del Monte

City, State, ZIP+4

Oceanside CA 92058

PS Form 3800, August 2006

See Reverse for Instructions